

78434



Order 2000-5-1

Served: May 4, 2000

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 1st day of May, 2000.

Application of

SMOKEY BAY AIR, INC.

Docket OST-99-6150 - 8

for a certificate of public convenience and necessity
under 49 U.S.C. 41102 to engage in interstate scheduled
air transportation of persons, property, and mail

FINAL ORDER

By Order 2000-4-7 , issued 4/10/2000 , we directed all interested persons to show cause why we should not make final our tentative findings and conclusions stated in it and award a certificate of public convenience and necessity to Smokey Bay Air, Inc., authorizing it to engage in interstate scheduled air transportation of persons, property, and mail, using no more than three aircraft with no more than nine passenger seats each. Interested persons were given 14 days to file objections to the order.

No objections to the show-cause order were received.

ACCORDINGLY,

1. We find that Smokey Bay Air, Inc., is fit, willing, and able to engage in interstate scheduled air transportation of persons, property, and mail, using no more than three aircraft with no more than nine passenger seats each.
2. We issue a certificate of public convenience and necessity to Smokey Bay Air, Inc., to engage in interstate scheduled air transportation of persons, property, and mail in the form and subject to the Terms, Conditions, and Limitations attached.

3. We direct Smokey Bay Air, Inc., to submit to the Air Carrier Fitness Division a first year progress report within 45 days following the end of its first year of certificated flight operations.²

4. We will serve a copy of this order on the persons listed in Attachment A.

By:

A. BRADLEY MIMS
Deputy Assistant Secretary for Aviation
and International Affairs

(SEAL)

*An electronic version of this document is available on the World Wide Web at
http://dms.dot.gov/reports/reports_aviation.asp*

² The report shall include a description of the carrier's current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees), a summary of how these operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, current financial statements, and a listing of current senior management and key technical personnel.



Certificate of Public Convenience and Necessity for Interstate Air Transportation

This Certifies That

SMOKEY BAY AIR, INC.

is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in interstate air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

*Issued by Order 2000-5-1
On May 1, 2000
Effective on (see attached)*

*A. Bradley Mims
Deputy Assistant Secretary for
Aviation and International Affairs*



Terms, Conditions, and Limitations

SMOKEY BAY AIR, INC.

is authorized to engage in interstate air transportation of persons, property, and mail between any point in any State, territory, or possession of the United States or the District of Columbia, and any other point in any of those entities.

This authority is subject to the following provisions:

- (1) The authority to operate under this certificate will not become effective until six (business) days after the Department has received the following documents; provided, however, that the Department may stay the effectiveness of this authority at any time prior to that date:*
 - (a) A copy of the holder's Air Carrier Certificate and Operations Specifications authorizing such operations from the Federal Aviation Administration (FAA).*
 - (b) A certificate of insurance on OST Form 6410 evidencing liability insurance coverage meeting the requirements of 14 CFR 205.5(b) for all of its aircraft.*
 - (c) A statement of any changes the holder has undergone in its ownership, key personnel, operating plans, financial posture, or compliance history, since the date of the Show Cause Order in this case.*
 - (d) A revised list of pre-operating expenses already paid and those remaining to be paid, as well as independent verification that the holder has available to it funds sufficient to cover any remaining pre-operating expenses and to provide a working capital reserve equal to the operating costs that would be incurred in three months of operations.*
- (2) Pending receipt of effective authority, the holder may not accept payment of any kind (i.e., cash, check, or credit card) or issue tickets for the operations proposed under this certificate, and any advertisement or listing of flights by the holder must prominently state: "This service is subject to receipt of government operating authority."*
- (3) The holder may not operate aircraft designed to have a maximum passenger capacity of more than nine seats. In the event that the holder wishes to institute operations with aircraft having a larger capacity, it must first be determined fit for such operations.*

- (4) *The holder may not operate more than three aircraft. In the event that the holder wishes to conduct operations utilizing more than three aircraft, it must first be determined fit for such operations.*
- (5) *The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.*
- (6) *The holder's authority is effective only to the extent that such operations are also authorized by the FAA.*
- (7) *The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*
- (8) *The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.*
- (9) *In the event that the holder receives effective scheduled passenger authority, the following additional conditions will apply:*
 - (a) *The holder may reduce or terminate service at any point or between any two points, subject to compliance with the provisions of 49 U.S.C. 41734 and all orders and regulations issued by the Department of Transportation under that section.*
 - (b) *The holder may not provide scheduled passenger air transportation to or from Dallas (Love Field), Texas, except within the limits set forth in section 29 of the International Air Transportation Competition Act of 1979, as amended by section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998.*
- (10) *Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(l)), it must first comply with the requirements of 14 CFR 204.5.*

(11) In the event that the holder does not commence actual flying operations under this certificate within one year of the date of the Department's determination of its fitness, its authority shall be revoked for dormancy, unless the holder is conducting operations under another type of certificate authority. Further, in the event that the holder commences operations for which it was found "fit, willing, and able" and subsequently ceases all such operations, its authority under all certificates held shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

SMOKEY BAY AIR, INC.

Attachment A

MR C LIFFORD JESKA
TREASURER
SMOKEY BAY AIR INC
PO BOX 457
HOMER AK 99603

AMER ASSOC OF ARPT EXECS
4224 KING STREET
ALEXANDRIA VA 22302

MR JD MEALOR
AIRLINE DATA COOR
INNOVATA LLC
3915 OLD MUNDY MILL RD
OAK BROOK IL 60523

MR RICHARD GORDON
MGR FLT STAND DIV AAL-200
FAA ALASKAN REGION HDQTRS
222 WEST 7TH AVENUE #14
ANCHORAGE AK 99513

MS JONI MOUNT
PRODUCT MANAGER
TRANSP PRINT PRODUCTS
OFFICIAL AIRLINE GUIDES
2000 CLEARWATER DR
OAK BROOK IL 60523

MR TIMOTHY TITUS
ASST CHIEF COUNSEL AAL-7
FAA ALASKAN REGION HDQT
222 WEST 7TH AVENUE #14
ANCHORAGE AK 99513

MR RICHARD DUTTON
ASST MGR CSET
FEDERAL AVIATION ADMIN
AFS-900 SUITE 203B
45005 AVIATION DRIVE
DULLES VA 20166-7537

MR JIM ZAMMAR
DIR OF REV ACCOUNTING
AIR TRANSPORT ASSOC
1301 PENNSLY AVE NW STE 1100
WASHINGTON DC 20004

MR JOHN ECKELS
PRESIDENT
ARCTIC TRANS SERV
5701 SILVERADO WAY
UNIT L
ANCHORAGE AK 99518

MR PETER LYNCH AGC-300
ASST CH COUNSEL
FOR ENFORCEMENT
FEDERAL AVIATION ADMIN
800 INDEPENDENCE AVE SW
WASHINGTON DC 20591

MR ALLAN MUTEN
ASST TREASURER
AIRLINES REPORTING CORP
1530 WILSON BLVD STE 800
ARLINGTON VA 22209

MR ROGER BROWN
FAA FSDO
4510 W. INTL AIRPORT ROAD
ANCHORAGE AK 99502

MR TIM CARMODY K-25
DIR OFF OF AIRLINE INFO
DEPT OF TRANSP
400 SEVENTH ST SW
WASHINGTON DC 20590